

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

THOMAS A. MYERS,)
)
)
Plaintiff,)
)
v.) No. 1:20-cv-02044-JPH-MPB
)
)
MUNCIE CITY POLICE DEPARTMENT,)
NATHAN SLOAN Chief,)
JOSH CARRINGTON Officer,)
DANIELLE BRADFORD Officer,)
JOHN HENDERSON Officer,)
DIANA M. FRYE Deputy Prosecutor,)
ANDREW BRYCE WINSLOW Deputy)
Prosecutor,)
JOE ORICK Deputy Prosecutor,)
JOHN DOE 1 - 99,)
)
Defendants.)

ORDER ON AMENDED COMPLAINT

Plaintiff, Thomas Myers, has filed an amended complaint that names 99 John Does and deputy prosecutors Diana Frye, Andrew Winslow, and Joe Orick as defendants. Dkt. 19. The claims against the deputy prosecutors must be dismissed because "in initiating a prosecution and in presenting the State's case, the prosecutor is immune from a civil suit for damages."

Anderson v. Simon, 217 F.3d 472, 475 (7th Cir. 2000) (quoting *Imbler v. Pachtman*, 424 U.S. 409, 431 (1976)). And the claims against John Doe defendants must be dismissed because Mr. Myers does not allege facts that could support liability against any unidentified defendants. See dkt. 19. If Mr. Myers learns of additional facts or the identity of additional possible defendants during discovery, he may seek leave to amend his complaint again. See Fed. R.

Civ. P. 15(a)(2). The **clerk shall remove** John Doe 1-99 and deputy prosecutors Diana Frye, Andrew Winslow, and Joe Orick as defendants on the docket.

Because all defendants added in the amended complaint must be dismissed, no further service of process is necessary. Mr. Myers's amended complaint, dkt. 19, is now the operative complaint. The amended complaint at docket 20 is identical; the **clerk shall strike it as duplicative.**

SO ORDERED.

Date: 12/8/2020

Distribution:

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James Patrick Hanlon

James Patrick Hanlon
United States District Judge
Southern District of Indiana